

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

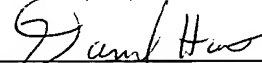
Applicant : Polany, et al.  
Appl. No. : 10/629,315  
Filed : July 28, 2003  
For : SYSTEM FOR HOUSING AN  
AUDIO SYSTEM IN AN  
AQUATIC ENVIRONMENT  
Examiner : Daniel T. Pihulic  
Group Art Unit : 3662

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 22, 2004

(Date)



Daniel Hart, Reg. No. 40,637

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Diver Entertainment Systems, Inc. ("Assignee").

Assignee represents that it is the 100% owner by assignment of the above-referenced application which is a continuation of U.S. Application No. 09/930,037, now U.S. Patent No. 6,614,722, which is a continuation-in-part of U.S. Application No. 09/411,983, now U.S. Patent No. 6,396,769, by virtue of assignments recorded at Reel No. 013712, Frame No. 0858 and Reel No. 013717, Frame No. 0567 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims the terminal part of any patent granted on the instant application which would extend beyond the expiration date of U.S. Patent No. 6,396,769 and U.S. Patent No. 6,614,722. Assignee hereby agrees that any patent so granted shall be

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enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors, or assigns.

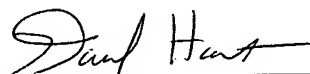
Assignee does not disclaim any terminal part of any patent application granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,369,769 and U.S. Patent No. 6,614,722, as shortened by a terminal disclaimer filed before the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is enclosed herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 22, 2007

By:   
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